

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re: Automotive Parts Antitrust Litigation	:	
	:	
In re: Alternators	:	
In re: Starters	:	
	:	
THIS RELATES TO:	:	Master File No. 12-md-02311
	:	Honorable Marianne O. Battani
Rush Truck Centers of Alabama, Inc. <i>et al.</i> ,	:	Mag. Judge Mona K. Majzoub
	:	
Plaintiffs,	:	No. 2:15-cv-00707
	:	No. 2:15-cv-001107
v.	:	No. 2:15-cv-14096-MOB-MKM
	:	
Mitsubishi Electric Corporation, et al.,	:	
	:	
Defendants.	:	
	:	
	:	

CERTAIN DEFENDANTS’ MOTION TO SEAL

Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., and Mitsubishi Electric Automotive America, Inc. (“Defendants”) respectfully move the Court to order that portions of the Truck and Equipment Dealer Plaintiffs’ Memorandum of Law in Opposition to Defendants’ Collective Motion to Dismiss the First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6), 2:15-cv-00707-MOB-MKM, ECF Nos. 18, 19 (Apr. 3, 2017) and 2:15-cv-14096-MOB-MKM, ECF Nos. 30, 31 (Apr. 3, 2017) (“Opposition”), be kept under seal.

Since the Sixth Circuit’s ruling in *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016), and this Court’s subsequent instructions to the parties to file motions seeking to keep information under seal, reflected in the Stipulated Order Regarding Sealed Filings, 2:12-md-02311-MOB-MKM, ECF No. 1690 (Feb. 27, 2017), this Court has

granted several motions by parties and non-parties to this litigation to maintain certain information under seal, namely, the names of unindicted non-party individuals.¹ Defendants have reviewed and identified portions of the Opposition that contain names of such employees, specifically on page 7 of the Opposition. Those portions of the Opposition merely quote portions of the Amended Complaint. Defendants have previously moved this Court to maintain the same portions of the Amended Complaint quoted in the Opposition under seal. *See* Defs.’ Motion to Seal (in Part) Certain Documents Filed Under Seal at 5, Case No. 2:13-cv-700-MOB-MKM (Jan. 27, 2017), ECF No. 94 (“Prior Motion to Seal”). Defendants hereby incorporate the arguments made in the Prior Motion to Seal to maintain this same information under seal. For these reasons, Defendants respectfully request that the Court enter an ordering maintaining under seal the portions of page 7 of the Opposition that reference names of unindicted non-party individuals.

Pursuant to Local Rule 7.1(a), Defendants informed counsel for the Truck & Equipment Dealer Plaintiffs (“TEDPs”) on May 2, 2017 by email of the nature of this motion and the relief sought. TEDPs do not oppose Defendants’ motion.

Respectfully submitted,

Dated: May 2, 2017

/s/ Terrence J. Truax (w/consent)

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¹ *See, e.g.*, Order Granting Certain *Wire Harness* Defendants’ Motion to Seal, 2:12-cv-00101-MOB-MKM, ECF No. 444 (Mar. 17, 2017); Order Granting Certain *Wire Harness* Defendants’ Motion to Seal, 2:12-cv-00101-MOB-MKM, ECF No. 445 (Mar. 17, 2017).

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2017, I caused a copy of CERTAIN DEFENDANTS' MOTION TO SEAL to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notifications of such filings to all counsel of record.

/s/ Daniel T. Fenske

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